IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4293 OF 2006
IN
CRIMINAL APPEAL NO. OF 2006

Pragna H. Mehta ..Applicant
Vs.
REPL Engineering Ltd.
and ors. ..Respondents

Mr. Ganesh Gole and Arpan Rajput for applicant.

Mr. O.A. Siddiqui and Mr. Rajendra Rathod for respondent nos.1 and 4.

Mr. P.A. Pol, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : August 14, 2007.

P.C.:

1. Heard. C.C. No.4766/SS/2005 came to be dismissed and the accused were acquitted under Section 256 of Cr.P.C. purportedly on the ground that the complainant remained absent. However, the roznama of the trial court shows that on 24/1/2005 the court was vacant and, therefore, the board was discharged and on the next dated i.e. 4/5/2005 the complaint came to be dismissed on the ground that the complainant was

absent. If the complainant was represented by an Advocate, the proviso to Section 256 of Cr.P.C. will be applicable. Hence the applicant has made out a case to grant leave to appeal.

2. Leave granted and the application is allowed in terms of prayer clause (a).

3. Appeal is admitted.

4. Respondent Nos.1 and 4 waive service. The learned APP appears for the respondent no.6-State.

(B.H. Marlapalle,J.)